

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHERYL KATER, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

CHURCHILL DOWNS INCORPORATED, a  
Kentucky corporation,

Defendant.

Case No. 15-cv-00612 MJP

**DECLARATION OF E. LINDSAY  
CALKINS IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

I, E. Lindsay Calkins, declare as follows:

1. I am an active member of the State Bar of Washington and an attorney with the law firm of Susman Godfrey L.L.P. I am one of the attorneys representing Defendant Churchill Downs Incorporated ("Churchill Downs") in this matter. I am over the age of 18 and competent to testify to the facts stated herein. I submit this declaration in support of Defendant's Motion to Dismiss.

2. Attached as **Exhibit 1** is a true and correct copy of the Washington State Gambling Commission's presentation "Social Gaming," dated May 9, 2013, available at <http://www.wsgc.wa.gov/agenda/2013/may-social-gaming-presentation.pdf> (accessed June 30, 2015).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ E. Lindsay Calkins  
E. Lindsay Calkins

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Dated this 30th day of June, 2015.

/s/ E. Lindsay Calkins